REMARKS

An Office Action was mailed on November 24, 2003. Claims 1-11 are pending.

Applicant is submitting herewith a Change of Correspondence form. All future correspondence in this matter should be directed to **Customer Number 026304**. The attorney docket number has also changed to **GRAT 19.083 (100717-10038)**, and it is respectfully requested that the Examiner update such information in the PALM system.

Applicant acknowledges the election to claims 1-3 drawn to a method for cleaving a machine component. However, Applicant respectfully traverses the restriction requirement and submits that all claims should be examined in the present case because both the method and device claims incorporate the distinctive and distinguishing feature of having only one portion of the bearing eye being fixed during the breaking process as discussed below in more detail. Accordingly, Applicant respectfully submits that the method and device claims are now coextensive in scope and are capable of simultaneous examination without undue burden on the Examiner.

Claim 1 is objected to and claims 1-3 are rejected under 35 U.S.C. §112, second paragraph. Responsive thereto, Applicant has amended the claims in a self-evident fashion to overcome the objection and §112, second paragraph rejection. In fact, all of the claims have been amended in accordance with U.S. practice to overcome and avoid any further §112 problems.

Claims 1-3 are rejected under 35 U.S.C. §103(a) as being unpatentable over Heckman (EP 0 304 162 B1) in view of Cavallo et al. (EP 0 707 913 A1). Responsive thereto, Applicant has amended the claims to clearly distinguish over the prior art by having only one portion of the bearing eye being fixed during the breaking process. The Examiner is respectfully directed to the middle paragraph of page 13 of Applicant's specification for support for such claim amendments. Reconsideration is respectfully requested.

With respect to Hekman '162, the Examiner is respectfully directed to the paragraph bridging pages 2 and 3 of the specification. With Hekman, clamping of the two bearing eye halves during the whole splitting process is **always maintained**. With the present invention as currently claimed, only the cap part of the bearing eye is clamped, whereas the other part of the machine component is only positionally fixed with play (*amended claim 1 element: fixing the position of the bearing eye, relative to one mandrel half on one side of the breaking plane by means of adjustable stops, while on the other side of the breaking plane the bearing eye is not positionally fixed but is held with play relative to the other mandrel half in a longitudinal direction of a shank of the machine component; amended claim 4 element: the slide arrangement supporting two stops for positionally fixing the big-end cap relative to the associated mandrel half on both sides of the breaking plane without play; and a shank of the machine component is not positionally fixed but instead is supported with play between the mandrel half fixed to the frame and a pin retainer in the inside of the small-end eye such that said small end-eye has limited movement ability*).

Cavallo '913 teaches to subject big bearing eye to a hydraulic actuator to create a pre-tension in splitting direction and finally to produce a momentary pressure peak in the cylinder of the actuator (24). However, Cavallo does not use mandrel halves within big bearing eye but instead fixtures (15, 17), whereby under the force of the actuator (24), lower fixture (17), as shown in FIG. 3 of Cavallo, moves downward after cracking cap (12) from rod part (11) of big bearing eye. Furthermore, with Cavallo there is **no wedge** acting between said fixtures 15, 17 as required by the present claims. In addition, with Cavallo, even the slightest asymmetrical load or stress leads to **undesired** yielding and deformation of the material of the connecting rod.

However, in accordance with the amended claims of the present invention, such deformation or elongation or torsion present in Cavallo is avoided due to positionally fixing the big-end cap of the bearing to the associated mandrel half by means of adjustable stops 29, whereas the other half of big eye is **not positionally fixed** but held with play in the longitudinal direction of the rod (page 13, paragraph 2 of the specification). By driving a wedge between two mandrel halves and by **positioning** both sides of the bearing eye **differently as claimed**, secondary bending of the parts during breaking is largely avoided. The Examiner is also

respectfully directed to the paragraph bridging pages 5 and 6 of the Applicant's specification for a discussion of the benefits obtained by splitting the bearing eye in the manner set forth in the amended claims.

Accordingly, Applicant respectfully submits that one skilled in the art would not consider the claimed invention (as amended) to be obvious in view of the combined teachings of Hekman and Cavallo. As Hekman clearly fails to teach the different positioning of a bearing eye and as Cavallo fails to teach a wedge-driven splitting method that, when experiencing the slightest asymmetrical load or stress, leads to undesired yielding and deformation of the material of the connecting rod, Applicant respectfully submits that the combination of Cavallo and Hekman would not result in the Applicant's method and device for breaking or splitting a machine component ***as presently claimed***.

For the foregoing reasons, reconsideration is respectfully requested.

An earnest effort has been made to be fully responsive to the Examiner's objections. In view of the above amendments and remarks, it is believed that claims 1-11, consisting of independent claims 1 and 4 and the claims dependent therefrom, are in condition for allowance. Passage of this case to allowance is earnestly solicited. However, if for any reason the Examiner should consider this application not to be in condition for allowance, the Examiner is respectfully requested to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

Any fee due with this paper may be charged on Deposit Account 50-1290.

Respectfully submitted,

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